

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Blakeslee

February 9, 2007

An act to amend Section 8610.5 of the Government Code, *and to add Section 758 to the Public Utilities Code*, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, Blakeslee. California Emergency Services Act: Nuclear Planning Assessment Special Account.

The California Emergency Services Act provides for the assessment of certain state agency costs on utilities operating certain nuclear powerplants, and the deposit of those moneys into, and the appropriation and allocation of moneys from, the Nuclear Planning Assessment Special Account. These provisions become inoperative on July 1, 2009, and are repealed on January 1, 2010.

This bill would extend the inoperative date of these provisions to July 1, 2019, and the repeal date to January 1, 2020.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable. The act requires the commission to develop and transmit to the Office of Emergency Services an equitable method of assessing utilities operating nuclear powerplants for their reasonable pro rata share of state agency costs specified in the act and provides that the amounts paid by the utilities be allowed for ratemaking purposes by

the commission. The act provides that upon it becoming inoperative, any amounts remaining in the special account be refunded pro rata to the contributing utility.

This bill would require that upon the act becoming inoperative, any amounts remaining in the special account be refunded pro rata to the contributing utility, to be credited to the utility's ratepayers and would require that the commission ensure that any moneys refunded to an electrical corporation are credited to ratepayers.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8610.5 of the Government Code is
2 amended to read:
3 8610.5. (a) For purposes of this section, the following
4 definitions shall apply:
5 (1) "Department" means the State Department of Public Health.
6 (2) "Office" means the Office of Emergency Services.
7 (b) (1) State and local costs to carry out activities pursuant to
8 this section and Chapter 4 (commencing with Section 114650) of
9 Part 9 of Division 104 of the Health and Safety Code that are not
10 reimbursed by federal funds shall be borne by utilities operating
11 nuclear powerplants with a generating capacity of 50 megawatts
12 or more.
13 (2) The Public Utilities Commission shall develop and transmit
14 to the office an equitable method of assessing the utilities operating
15 the powerplants for their reasonable pro rata share of state agency
16 costs specified in paragraph (1).
17 (3) Each local government involved shall submit a statement
18 of its costs specified in paragraph (1), as required, to the office.
19 (4) Upon each utility's notification by the office, from time to
20 time, of the amount of its share of the actual or anticipated state
21 and local agency costs, the utility shall pay this amount to the
22 Controller for deposit in the Nuclear Planning Assessment Special
23 Account, which is continued in existence, for allocation by the
24 Controller, upon appropriation by the Legislature, to carry out
25 activities pursuant to this section and Chapter 4 (commencing with
26 Section 114650) of Part 9 of Division 104 of the Health and Safety
27 Code. The Controller shall pay from this account the state and

1 local costs relative to carrying out this section and Chapter 4
2 (commencing with Section 114650) of Part 9 of Division 104 of
3 the Health and Safety Code, upon certification thereof by the office.

4 (5) Upon appropriation by the Legislature, the Controller may
5 disburse up to 80 percent of a fiscal year allocation from the
6 Nuclear Planning Assessment Special Account, in advance, for
7 anticipated local expenses, as certified by the office pursuant to
8 paragraph (4). The office shall review program expenditures related
9 to the balance of funds in the account and the Controller shall pay
10 the portion, or the entire balance, of the account, based upon those
11 approved expenditures.

12 (c) (1) The total annual disbursement of state costs from the
13 utilities operating the nuclear powerplants within the state for
14 activities pursuant to this section and Chapter 4 (commencing with
15 Section 114650) of Part 9 of Division 104 of the Health and Safety
16 Code, shall not exceed the lesser of the actual costs or the
17 maximum funding levels previously established by Chapter 4
18 (commencing with Section 114650) of Part 9 of Division 104 of
19 the Health and Safety Code, as that chapter read on January 1,
20 1998, subject to subdivisions (e) and (f), to be shared equally
21 among the utilities.

22 (2) Of the initial annual amount of one million three hundred
23 forty thousand dollars (\$1,340,000) for the 1999–2000 fiscal year,
24 the sum of eight hundred three thousand dollars (\$803,000) shall
25 be for support of the office for activities pursuant to this section
26 and Chapter 4 (commencing with Section 114650) of Part 9 of
27 Division 104 of the Health and Safety Code, and the sum of five
28 hundred thirty-seven thousand dollars (\$537,000) shall be for
29 support of the department for activities pursuant to this section
30 and Chapter 4 (commencing with Section 114650) of Part 9 of
31 Division 104 of the Health and Safety Code.

32 (d) (1) The total annual disbursement for each fiscal year,
33 commencing July 1, 1999, of local costs from the utilities shall
34 not exceed the lesser of the actual costs or the maximum funding
35 levels, on a site basis, previously established on a per reactor basis
36 by Section 1 of Chapter 1607 of the Statutes of 1988, in support
37 of activities pursuant to this section and Chapter 4 (commencing
38 with Section 114650) of Part 9 of Division 104 of the Health and
39 Safety Code. The maximum initial annual amount available for
40 disbursement for local costs, subject to subdivisions (e) and (f),

1 shall be eight hundred fifty-one thousand dollars (\$851,000) for
2 the Diablo Canyon site and one million seventy-three thousand
3 dollars (\$1,073,000) for the San Onofre site.

4 (2) The amounts paid by the utilities under this section shall be
5 allowed for ratemaking purposes by the Public Utilities
6 Commission.

7 (e) The amounts available for disbursement for state and local
8 costs as specified in this section shall be adjusted and compounded
9 each fiscal year by the percentage increase in the California
10 Consumer Price Index of the previous calendar year.

11 (f) Through the date specified in subdivision (g), the amounts
12 available for disbursement for state and local costs as specified in
13 this section shall be cumulative biennially. Any unexpended funds
14 from a year when the state and local governments conduct a full
15 participation exercise, as defined in Section 350.2 of Title 44 of
16 the Code of Federal Regulations, that is not evaluated by the
17 Federal Emergency Management Agency, shall be carried over to
18 the year when the state and local governments conduct such an
19 exercise that is evaluated by the Federal Emergency Management
20 Agency.

21 (g) This section shall become inoperative on July 1, 2019, and,
22 as of January 1, 2020, is repealed, unless a later enacted statute,
23 which becomes effective on or before July 1, 2019, deletes or
24 extends the dates on which it becomes inoperative and is repealed.

25 (h) Upon inoperation of this section, any amounts remaining in
26 the special account shall be refunded pro rata to the utilities
27 contributing thereto, *to be credited to the utility's ratepayers*.

28 SEC. 2. Section 758 is added to the Public Utilities Code, to
29 read:

30 758. (a) *The commission shall allow an electrical corporation*
31 *to recover in rates amounts assessed to the utility pursuant to*
32 *Section 8610.5 of the Government Code.*

33 (b) *The commission shall ensure that any moneys refunded to*
34 *an electrical corporation from the Nuclear Planning Assessment*
35 *Special Account pursuant to Section 8610.5 of the Government*
36 *Code are credited to ratepayers.*